

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

6 LARRY GENE MOORE,) NO. CV-09-5021-JPH
7)
8 Petitioner,) ORDER ADOPTING REPORT
9 v.) AND RECOMMENDATION TO
10 JANE PARNELL,) DENY WRIT OF HABEAS CORPUS
11)
12 Respondent.)

13 **BEFORE THE COURT** for resolution is the Report and
14 Recommendation entered on August 14, 2009 (**Ct. Rec. 17**),
15 recommending that the Petition for a Writ of Habeas Corpus be (**Ct.**
16 **Rec. 1, 6**) be **denied**. On August 31, 2009, Mr. Moore timely filed
17 objections. (**Ct. Rec. 18**.)

18 In his objections, Mr. Moore argues the untimeliness of the
19 response to his petition required an order of default. (Ct. Rec.
20 18.) Mr. Moore's objections restate the arguments contained in
21 his habeas petition. For the reasons stated in the magistrate
22 judge's report, the Court finds this claim is without merit.
23 Having reviewed the report and recommendation, the Court adopts
24 the magistrate judge's report and recommendation in its entirety.

25 IT IS HEREBY ORDERED that the Report and Recommendation (Ct.
26 Rec. 17) to deny the Petition for a Writ of Habeas Corpus is
27 ADOPTED in its entirety.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and an Order of Judgment, forward copies to Mr. Moore and to respondent's counsel, and close the file.

DATED this 4th day of September, 2009.

S/ Robert H. Whaley

ROBERT H. WHALEY
SENIOR UNITED STATES DISTRICT JUDGE

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